

MARY ANN DOSTALER  
56 William Drive  
East Hampton, CT 06424  
860.985.9289  
Email: madostaler@madcomm.com

March 3, 2014

Public Hearing Testimony

RE: SB 274: AN ACT CONCERNING CERTIFICATION REQUIREMENTS FOR MINOR PARTY  
CANDIDATES

Dear Senator Musto, Representative Jutila, and members of the Government Administration and Elections Committee,

My name is Mary Ann Dostaler. Thank you for the opportunity to submit testimony regarding SB 274.

I am writing to offer my strong support for *Raised Bill No. 274*. With the stated purpose "to eliminate the signature requirement for minor party candidates as part of the certification of nominations process," the proposed language of this bill offers a clear and unambiguous remedy to correct an unfair and discriminatory standard currently imposed in Section 9-452 of the General Statutes.

I currently serve as an elected member of the East Hampton Board of Finance and an appointed member of the East Hampton Brownfields Redevelopment Agency. I am a registered voter and an active member of the Chatham Party. Established in 2005, the Chatham Party is a minor independent party that has become a major political voice in our community.

The Chatham Party has successfully run candidates for office in four consecutive municipal elections and won seats in 2005, 2007, 2009 and 2011. In 2005, the Chatham Party ran five candidates for Town Council and swept to win all five seats. In 2011, the Chatham Party ran 14 candidates and won eight seats – more than the Republican and Democrat parties combined – including a four-member majority on Town Council, two seats on the Board of Education and two seats on the Board of Finance.

In 2013, however, the outcome was an entirely different story. The Chatham Party ran 16 candidates – more than in any previous election – including the four incumbent members of Town Council. But for the first time since the party was established, not one Chatham Party member was elected despite the party winning a third of all votes cast.

During the 2013 campaign, the Chatham Party was harmed by the arbitrary enforcement of the discriminatory signature requirement provision of Section 9-452 that only applies to minor political parties. The requirement was passed in the 2011 legislative session; however, it was not enforced in the 2011 municipal election.

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In 2013, after nominating candidates and following the same process as in previous years, the Chatham Party was notified on September 23, 2013 by the East Hampton Town Clerk that she "did not believe" that the Chatham Party candidates could be included on the ballot (attachment 1).

The subsequent turmoil created by the arbitrary enforcement by the Secretary of State to intervene in a local matter consumed the time, energy, attention and financial resources of the Chatham Party at a critical moment in our local election campaign as we were forced to defend our right to be on the ballot (attachment 2). Doubt was cast in voters' minds as to the legitimacy of Chatham Party candidates. Furthermore, Chatham Party supporters were disenfranchised at what they perceived as a fundamental injustice by the State to usurp their right to vote for the candidates of their choice.

Connecticut is one of five states in the country where registered independent voters outnumber party-affiliated voters. The Chatham Party membership is open to all registered voters in the Town of East Hampton regardless of party affiliation. This means that the members and supporters of the Chatham Party are registered Republicans, Democrats, Independents and Chatham Party.

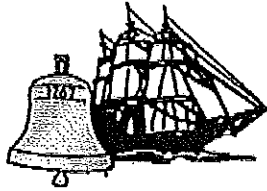
Across Connecticut, more minor parties are emerging, especially at the local level, to advocate for better governance, fiscal responsibility, and leadership for the common good. The Chatham Party offers the only path for registered Independents to gain ballot access on an established party line.

The Chatham Party was not the only minor party harmed by the discriminatory signature requirement in the 2013 election. Two editorials in *The Hartford Courant* highlighted the injustice to minor party candidates and voters (attachments 3 and 4).

Connecticut General Statute Section 9-452 as it is currently written imposes a double standard for minor parties to fulfill a requirement not imposed upon the two major parties. This double standard is unconstitutional and cannot be allowed to stand.

I commend the GAE committee for seeking to address this issue and appreciate the opportunity to present testimony in favor of *Raised Bill No. 274*. By simply removing the signature requirement from this section, it presents a clear solution that achieves both parity and equity between major parties and minor parties insofar as the certification of nominations process. Requiring different standards for minor parties versus major parties is not in the best interest of our democracy.

I urge members of this committee to vote in favor of SB 274.



## *Town of East Hampton*

20 East High Street  
East Hampton, CT 06424

Sandra Merrill Wieleba, MM, CCTC, CMC  
Town Clerk

Bernice C. Bartlett, CCTC  
Assistant Town Clerk  
Joan Campbell  
Assistant Town Clerk

Telephone: (860) 267-2519 x 311 Fax: (860) 267-1027

September 23, 2013

Mr. Kyle Dostaler  
56 William Drive  
East Hampton, CT 06424

Dear Kyle:

The guidance that I received from the Office of the Secretary of the State on September 20, 2013 stated that the original Certification filed by the Chatham Party did not comply with the requirements of Section 9-452 of the Connecticut General Statutes.

As you know, I have forwarded your second letter, dated today, on to the Secretary of the State asking if your request to have candidates sign the Certification that was timely filed with this office would meet the requirements of the statute. Until the Secretary of the State directs me otherwise, given her prior guidance, I do not believe that I can include the Chatham Party on the ballot at this point in time.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

*Sandra*  
Sandra Merrill Wieleba  
Town Clerk



**Contact:**

Kyle Dostaler  
860.267.0499

## **PRESS STATEMENT**

### **THE CHATHAM PARTY WILL FIGHT FOR DEMOCRACY Independent Minor Party in East Hampton Files Challenge in Middlesex Superior Court for Right to Ballot Access**

East Hampton, CT (September 24, 2013) – An opinion issued last week by the Secretary of State's office to disqualify minor third parties from appearing on election ballots across Connecticut is being challenged by the Chatham Party.

Yesterday morning the Party's Chairman, Kyle Dostaler, hand-delivered a written request to the East Hampton Town Clerk, Sandra Wieleba, requesting to correct any "insufficiencies" with the Certification of Endorsement by having its candidates provide the necessary signatures.

Without responding to the request, the Chatham Party was notified yesterday afternoon by Wieleba that she does "not believe that I can include the Chatham Party on the ballot at this time."

"Our filings were accepted by the Town Clerk," explained Dostaler. "We met all of the filing date deadlines with the same required information that we provided in 2007, 2009 and 2011. We provided the Town Clerk with all of our candidate's names, signatures, addresses, party and the title of office for which they agreed to be nominated for *and* were endorsed by the Chatham Party."

In addition, the entire 16-candidate Chatham Party slate participated in the ballot lottery held on September 11<sup>th</sup>. "The Town Clerk and Secretary of State have all of the information that they need to validate and ensure that our nominated candidates, in fact, want to run as Chatham Party candidates, which is the essence of the law," added Dostaler. "This is a systemic breakdown of our electoral system aimed at excluding minor parties from running candidates."

Incumbent Chatham Party member and East Hampton Town Council Chairperson Sue Weintraub is outraged by these discriminatory tactics to remove minor parties from November ballots. "In the 2011 election Chatham Party candidates received 38.6 percent of the vote for Town Council and eight of our 14 candidates on the ballot were elected – that's more than both the Democrat and Republican parties combined.

- more -

"In East Hampton, the Chatham Party holds the majority on Town Council and all four incumbent candidates are running for reelection. The Secretary of State's opinion and our Town Clerk's decision to take us off the ballot denies voters the opportunity to elect their choice of candidates.

"In addition," says Weintraub, "our Town Clerk said that she does not have record of receiving any communication about the new signature requirement that is only applicable to minor parties. Nor did the Chatham Party chairman receive any advisory of this added technicality."

The Democrat and Republican parties are not required to include candidate signatures on their Endorsement Certifications. "This is discrimination against minor parties," says Weintraub. "The Secretary of State's Office should take responsibility for not properly communicating these new requirements to State Town Clerks and minor parties. In addition, our legislators must correct this inequity in the law."

"Democracy is supposed to be inclusive, not exclusive," maintains Dostaler. "If the minor parties filed timely certifications with the same information required of the Democratic and Republican parties, they should have their names on the ballot. "

"The next step," says Dostaler, "sadly is not up to the people of East Hampton, but the courts. The one thing that is for certain is that the Chatham Party is running every one of their 16 candidates in the November 5th election."

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[courant.com/news/opinion/editorials/hc-ed-minority-party-mess-up-20130930,0,4490928.story](http://www.courant.com/news/opinion/editorials/hc-ed-minority-party-mess-up-20130930,0,4490928.story)

## Courant.com

### EDITORIAL

## Wrong To Throw Third-Party Candidates Off Ballots

### Third-party candidates denied spots because of a technicality

Editorial

The Hartford Courant

5:20 PM EDT, September 30, 2013

It is, indeed, "a terrible situation," in the words of Secretary of the State Denise Merrill, that third-party nominees in several Connecticut towns may be thrown off the ballot in this fall's municipal elections because of a change in state election law that wasn't adequately communicated. advertisement

Town clerks' disqualifying these candidates — such as four members of the Chatham Party seeking re-election as town council members in East Hampton — would be an affront to democracy. It would be a disservice to voters, denying them the wider choices they deserve.

The courts should stop the disqualifications. The Chatham Party has asked the Superior Court in Middletown to do just that.

The candidates failed to comply with an obscure 2011 change in election law requiring the signature of each third-party candidate on a certificate of endorsement that must be turned in to town clerks in municipal elections. With the change, only minor-party nominees have to sign the certificate in local elections. Candidates of both major and minor parties have to sign such certificates in state elections.

The change came about to verify — via the signature requirement — that the endorsed person actually wants to be endorsed by that party.

But somehow the change was not communicated adequately to third-party organizations. Nor, apparently, to some town clerks, even though the bill was supported by the town clerks' association.

East Hampton town clerk Sandra Wieleba said she was one of several clerks who felt they were not properly notified of the change. Yet Ms. Merrill's office sent out a long memo to clerks and registrars in July 2011 listing all legislation enacted that year, including the change in question.

The signature requirement was not enforced two years ago. But the issue surfaced recently when a minor-party candidate in Bethel was disqualified from the ballot because of incomplete paperwork.

Though a candidate has an obligation to try to keep abreast of the law, the secretary of the state's office — in the interests of promoting ballot access — could have notified minor-party officials of the change in the law. And town clerks could have pointed out the lack of a required signature when the filings were handed in.

This isn't a game of gotcha.

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[courant.com/news/opinion/editorials/hc-ed-minority-party-wins-ballot-access-20131009,0,5705783.story](http://www.courant.com/news/opinion/editorials/hc-ed-minority-party-wins-ballot-access-20131009,0,5705783.story)

## Courant.com

### EDITORIAL

## Let These Third-Party Candidates Run, Too

### Judges should OK candidates who missed a badly communicated new rule

10:37 AM EDT, October 9, 2013

Judges who keep minor-party candidates on their towns' November ballots ring the bell for democracy, giving town voters greater choice. advertisement

Stamford Superior Court Judge Kenneth Povodator's recent ruling allowing Save Westport Now on the ballot was a welcome precedent for at least a dozen other Connecticut cities and towns where minor-party candidates have been thrown off municipal election ballots because of a filing technicality.

So was the ruling by Middletown Superior Court Judge Edward Domnarski permitting candidates from the Chatham Party to appear on the ballot for municipal election in East Hampton.

Other third-party candidates should be restored to ballots, too.

In 2011, the legislature amended state election law to require minor-party nominees in municipal elections to personally sign a certificate of endorsement that's filed with town clerks. Democratic- and Republican-endorsed candidates have no such requirement in municipal elections.

The change in law was not enforced by election officials in the 2011 municipal elections. But they sure did enforce it this year. Several town clerks jumped on endorsed candidates who didn't personally sign certificates of endorsements, disqualifying them from the ballot.

The change makes sense. It is to verify — through the signature requirement — that the endorsed person actually wants to be endorsed by that party.

But the number of candidates caught in noncompliance suggests that the 2011 change in the law was poorly communicated to minor-party organizations and officeholders.

The law also treats minor-party candidates differently from major-party candidates and that's unacceptable. Why not require Democrats and Republicans, too, to sign their certificates of endorsement in municipal elections? They all are required to sign in statewide elections.

A state's election laws should not disadvantage minor parties, which could come to play a larger role in politics and governing as the major parties continue to show a growing incompetence.

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